

DELEGATE E. C. MURRAY: What is the duty of a criminal juror? Is it not to adjudge the criminal guilt of his fellow man in the light of the time and place of the criminal act?

The attitude toward a given act in one part of the State may vary considerably from another, and the attitude today may vary tremendously from the attitude twenty, thirty, or forty years ago when the law was enacted. It permits the juror to judge his fellow man as he would expect to be judged.

When our ancestors embodied this protection for themselves in our Constitution of 1851, they obviously believed it to be wise. Today we have a very different precedent in the action of the Supreme Court of the United States who today base their judgments not solely upon the wording of the law, but with regard to changing times.

DELEGATE JAMES (presiding): You have thirty seconds, Delegate Murray.

DELEGATE E. C. MURRAY: Thank you.

Can you imagine our Supreme Court today rendering the same decisions on the same wording as did Chief Judge Taney, who sits with his back to us to avoid embarrassment, I am told?

Thank you very much, and fellow delegates, thank you very much for allowing me the additional time.

I recognize that this does violence to the specific tenets of many, many learned jurists but I submit that if you take this out, you will be taking something away from the citizens of Maryland.

DELEGATE JAMES (presiding): The Chair recognizes in the gallery H. H. Walker Lewis, the author of *THE LIFE OF ROGER B. TANEY*. He might take offense at that remark.

Is there anyone who wishes to speak for the amendment?

Delegate Byrnes?

DELEGATE BYRNES: Yes, Mr. Chairman.

I would just like to remind the Committee of the Whole that very recently we adopted a committee recommendation, that we had an equal protection clause in our own constitution and I would think the intent of the protection clause should be the minimum, that all laws of the State

apply equally to all men of the State and I would think this is the intention of this amendment.

I would suggest that you adopt it.

DELEGATE JAMES (presiding): Does anyone wish to speak against the amendment?

Delegate Weidemeyer.

DELEGATE WEIDEMEYER: Mr. President, I would like to state briefly that I am opposed to the amendment. This matter has been before the lawyers for several years and it has been argued pro and con and some of the lawyers who were opposed to this in our Constitution have been down before the legislature trying to get them to pass a constitutional amendment to take it out. But the majority have always prevailed, I think, and we have left it in our Constitution.

It has been in there over a hundred years, and I think it is well. It is only a few rare occasions like this that I hear the theoreticians say we should take it out.

I was glad to hear what Delegate Willoner said because he practiced law on both sides, as a prosecuting attorney and as a defense attorney. I was equally glad to hear what Delegates Dorsey and Anderson said.

Not only have they handled this matter from the prosecution attorney standpoint, they have handled it and operated under it as defense attorneys and both of them have had vast experience on the bench. So from many angles they have seen that this is a good workable provision and should be left in the Constitution, and I hope this amendment fails.

DELEGATE JAMES (presiding): Delegate Storm, do you wish to be recognized?

DELEGATE STORM: I was going to give a little homily example of how this works justice.

DELEGATE JAMES (presiding): You are against the amendment?

DELEGATE STORM: Yes.

DELEGATE JAMES (presiding): Does anyone wish to speak in favor of the amendment?

DELEGATE BARRICK: Mr. Chairman, I have had a lot of misgivings about this particular subject matter. I was a state's attorney and came down here in 1959 to introduce a bill in the Senate to take this